

**9071. Misbranding of Robert J. Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal, and Apioi Tablets. U. S. \* \* \* v. 43 Packages \* \* \* and 173 Packages \* \* \* of Robert J. Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal, and Apioi Tablets. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13308, 13309. I. S. Nos. 1217-t, 1750-t. S. Nos. C-2300, C-2301.)

On or about August 25 and 28, 1920, respectively, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 43 packages and 173 packages, more or less, of Robert J. Pierce's Empress Brand Tansy, Cotton Root, Pennyroyal, and Apioi Tablets, at Toledo and Cleveland, Ohio, respectively, alleging that the article had been shipped by the Robert J. Pierce Co., New York, N. Y., on or about June 6 and July 9, 1920, respectively, and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "\* \* \* Tansy, Cotton Root, Pennyroyal and Apioi Tablets A Safe Emmenagogue. Always Reliable And Effective. The Best Known Remedy For The Suppression Of The Menstrual Function;" (circular) "\* \* \* The Celebrated Female Regulator \* \* \* Delayed Menstruations When the suppression is of long standing, \* \* \* take one \* \* \* until four days before the time when the menses should appear \* \* \* immediately preceding the expected appearance of the menstrual flow, active treatment should begin. Take one [tablet] three times daily, \* \* \* follow \* \* \* instructions \* \* \* until the desired result is obtained. \* \* \* Irregularities. Where the menses are not regular, \* \* \* are invaluable. Take \* \* \* before the expected appearance of the menstrual flow [period]."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of aloes, ferrous sulphate, pennyroyal, and unidentified plant extractives.

Misbranding of the article was alleged in the libels for the reason that the above-quoted statements, regarding the curative and therapeutic effect of said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 20, 1920, and January 3, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9072. Misbranding of Madame Dean Female Pills. U. S. \* \* \* v. 12 Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13402. I. S. No. 3842-t. S. No. C-2207.)

On August 18, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 packages of Madame Dean Female Pills, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about May 24, 1920, and transported from the State of Pennsylvania into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box and wrapper) "Female Pills \* \* \* give relief in Female Disorders of the menstrual functions. \* \* \* for Pain-

ful, Irregular, and Scanty Menstruation;" (booklet) "\* \* \* irregular, prolonged, or suppressed menstruation. \* \* \* Female Pills afford relief for these ailments. \* \* \* a remedy intended solely for the relief of Amenorrhœa, Dysmenorrhœa, scanty and irregular menstruation, and other derangements of the reproductive system, \* \* \* especially valuable in the functional changes \* \* \* of the menopause or change of life. \* \* \* Act on the circulatory system of the uterus, thereby relieving painful, irregular, and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. \* \* \* strengthen and build up the uterine function;" (circular) "\* \* \* a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel \* \* \* for irregular, painful, scanty or suppressed menstruations, \* \* \* should be taken \* \* \* to assist nature with \* \* \* disorders \* \* \* during the change of life period. \* \* \* Continue with the treatment until they give relief. \* \* \* great relief from Pains or Headache; \* \* \* for suppressed menstruation. \* \* \* continue their use until relieved \* \* \* take \* \* \* until the menstrual flow commences again. \* \* \* Special Strength \* \* \* should relieve the most obstinate cases."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of quinine, aloes, ferrous sulphate, hydrastis, ginger, and cornstarch.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the Food and Drugs Act, as amended, in that the above-quoted statements appearing on the labels, regarding its curative and therapeutic effects, were false and fraudulent.

On February 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9073. Adulteration and misbranding of Champagne and Sparkling Burgundy. U. S. \* \* \* v. 23½ Cases \* \* \* of \* \* \* Champagne and 22½ Cases \* \* \* of \* \* \* Sparkling Burgundy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13780, 13781, 13782, 13783. I. S. Nos. 8243-t, 8244-t, 7828-t, 7829-t, 7830-t, 7831-t. S. Nos. E-2792, E-2793, E-2796, E-2798.)**

On October 13 and 14, 1920, respectively, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 23½ cases of Champagne and 22½ cases of Sparkling Burgundy, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped in part by H. G. Mumm & Co., New York, N. Y., on or about May 24, 1920, and transported from the State of New York into the State of Virginia, and returned by the consignee to New York, N. Y., and that the remainder had been shipped from Philadelphia, Pa., on or about September 8, 1920, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part: "H. G. Mumm & Co's Unfermented Extra Dry Champagne Non-Alcoholic \* \* \* H. G. Mumm & Co. Distributors New York Bordeaux, France Chicago;" and "H. G. Mumm & Co. Sparkling Burgundy Non-Alcoholic P. J. De Centaur Bordeaux, France H. G. Mumm & Co. New York and Chicago."